

***DRAFT***

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD MAY 12, 2005 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

**P R E S E N T** Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, Acting County Attorney

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda. Without objection, Mr. Stribling added a work session to discuss the restructuring of the Clarke-Fauquier-Frederick-Winchester Regional Jail Board into the Northwestern Regional Jail Authority.

**ENFORCEMENT OPTIONS FOR SIGNS POSTED IN THE RIGHT-OF-WAY**

Todd Benson, Assistant Zoning Administrator, discussed enforcement options for eliminating signs illegally posted in public right-of-ways.

**A WORK SESSION TO DISCUSS THE RESTRUCTURING OF THE CLARKE-FAUQUIER-FREDERICK-WINCHESTER REGIONAL JAIL BOARD INTO THE NORTHWESTERN REGIONAL JAIL AUTHORITY AND FISCAL MATTERS ASSOCIATED THEREWITH**

Catherine M. Heritage, Assistant County Administrator, introduced representatives of the Regional Jail Board, and discussed a proposal to restructure the Clarke-Fauquier-Frederick-Winchester Regional Jail Board into the Northwestern Regional Jail Authority.

**FAUQUIER EXTENSION LEADERSHIP COUNCIL DINNER MEETING**

The Board of Supervisors attended a dinner hosted by the Fauquier Extension Leadership Council at the Fauquier Extension Office.

The meeting was reconvened in Regular Session at 6:30 p.m. at the Warrenton Middle School Auditorium.

**ADOPTION OF THE AGENDA**

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>

***Abstention:*** ***None***

- Add consent agenda item “h”, A Resolution Directing the County Administrator to Advertise a Public Hearing to Amend Section 19-18 of the Fauquier County Code to Authorize the Issuance of an Administrative Permit to Permit Individual Wells in Service Districts Where Capacity is Not Available but is Anticipated.

### **CITIZENS' TIME**

- Kevin Carter, General Manager of Airlie Conference Center, spoke in opposition to the proposed transient occupancy tax.
- Catherine Grove, representing the Black Horse Inn, spoke in opposition to the proposed transient occupancy tax.
- Julia Hammond, Director of Government Relations for the American Hotel Industry Association, spoke in opposition to the proposed transient occupancy tax.

### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Atherton presented A Proclamation to Recognize C. L. “Boots” Ritchie for Outstanding Service to the Citizens of Fauquier County for Nine Years of Service with the Agricultural Development Advisory Committee.
- Mr. Downey presented A Proclamation to Recognize Gary Nelson for Outstanding Service to the Citizens of Fauquier County.
- Mr. Stribling presented Joint Senate Resolution #274 commending Donald Tharpe for conservation and preservation of historic resources.

### **CONSENT AGENDA**

Mr. Atherton moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

***Ayes:*** ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays:*** ***None***  
***Absent During Vote:*** ***None***  
***Abstention:*** ***None***

**Approval of the Minutes for the April 14, 2005 Regular Meeting and the April 18, 2005 Adjourned Meeting of the Fauquier County Board of Supervisors**

## **A Resolution to Adopt the National Interagency Incident Management System**

### RESOLUTION

#### A RESOLUTION TO ADOPT THE NATIONAL INTERAGENCY INCIDENT MANAGEMENT SYSTEM

WHEREAS, the Presidential Homeland Security Directive (HSPD)-5 mandated the Secretary of the Department of Homeland Security to develop and administer a National Interagency Incident Management System (NIIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIIMS standardized procedures for managing personnel, communications, facilities, and resources will improve Fauquier County's ability to utilize Federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIIMS are already an integral part of various city/county incident management activities, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended the adoption of a standardized Incident Command System; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That the National Interagency Incident Management System (NIIMS) be, and is hereby, established as the Fauquier County standard for incident management.

**A Resolution to Authorize the Addition of the Position Title Programmer/Aquatics Specialist to the Fauquier County Government Position Classification and Compensation Plan**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ADDITION OF THE POSITION TITLE  
PROGRAMMER/AQUATICS SPECIALIST TO THE FAUQUIER COUNTY  
GOVERNMENT POSITION CLASSIFICATION AND COMPENSATION PLAN

WHEREAS, the position of Programmer/Aquatics Specialist has been approved as a part of the FY 2006 County Administrator's budget; and

WHEREAS, the Board of Supervisors has approved and adopted a Position Classification and Compensation Plan which is maintained by Springsted, Incorporated; and

WHEREAS, Springsted has analyzed the Programmer/Aquatics Specialist position and graded it at a level 27; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That the position title of Programmer/Aquatics Specialist position be, and is hereby, added to the Fauquier County Government Position Classification and Compensation Plan.

**A Resolution Authorizing the Chairman to Enter into Open Space Use Agreements with Landowners**

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER INTO OPEN SPACE USE  
AGREEMENTS WITH LANDOWNERS

WHEREAS, Fauquier County has established a special land assessment program for the preservation of real estate devoted to open space, pursuant to Section 58.1-3233 of the Code of Virginia, 1950, as amended; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written open space use agreement between the landowner and the Board of Supervisors; and

WHEREAS, to qualify for the special land assessment program for the preservation of open space, the real estate to be entered into the program must meet the general and specific standards promulgated by the Director of the Department of Conservation and Historic Resources, as set forth in the Manual of the State Land Evaluation Advisory Council (1992); and

WHEREAS, the hereinafter identified landowners have requested that the Board of Supervisors enter into an Open Space Use Agreement for the preservation of certain land owned by them for the purposes of qualifying for the special land assessment program under the open space category; and

WHEREAS, the Board of Supervisors has determined that the hereinafter described land meets the general and specific standards as promulgated by the Director of the Department of Conservation and Historic Resources for entering into an Open Space Use Agreement committing the landowner not to change the use of the land to a non-qualifying use for a time period of eight years; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That the Chairman be, and is hereby, authorized to execute an Open Space Use Agreement with the hereinafter identified landowners:

NAME	IDENTIFICATION	ACREAGE
<b><u>RENEWAL</u></b> Humes, William Haywood, Jr. Loikow, Ann Hume McIntosh, Susan McCarty Hume Hume, Robert Howard	6917-93-5145-000 13072 Monterey Estates Dr. Herndon, VA 20171	37.8899
<b><u>RENEWAL</u></b> Vavrina, Robert T. Vavrina, Char Y.	6020-45-1020-000 PO Box 318 Markham, VA 22643	26.2487
<b><u>NEW</u></b> Collier, Maggi C.	6959-31-0798-000 4559 Achilles Ln. Marshall, VA 20115	31.2091

; and, be it

RESOLVED FURTHER, That upon execution and recordation of the Agreement, the described real estate shall be eligible for classification as Open Space under the Fauquier County Special Land Assessment Program.

**A Resolution to Initiate Consideration of an Amendment to the Zoning Ordinance to Permit Boundary Line Adjustments Between Parcels Zoned Rural Agriculture or Rural Conservation Without a Reduction in Density**

RESOLUTION

A RESOLUTION TO INITIATE CONSIDERATION OF AN AMENDMENT TO THE ZONING ORDINANCE TO PERMIT BOUNDARY LINE ADJUSTMENTS BETWEEN PARCELS ZONED RURAL AGRICULTURE OR RURAL CONSERVATION WITHOUT A REDUCTION IN DENSITY

WHEREAS, boundary line adjustments and consolidations of parcels in the Rural Agricultural and Rural Conservation Zones currently reduce the density of the parcel that is

reduced in size, but do not afford a similar increase in the density of the parcel that is increased in size; and

WHEREAS, permitting boundary line adjustments and parcel consolidations without an overall reduction in density may provide opportunities for improved development of contiguous parcels and facilitate clustering of development; and

WHEREAS, good zoning practice and the public convenience warrant consideration of an amendment that would permit boundary line adjustments and lot consolidations without a reduction in density; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of May 2005, That the proposed amendment to the Zoning Ordinance be referred to the Planning Commission for its consideration and recommendations.

**A Resolution of Correction Regarding VDOT Subdivision Street Acceptance for the Edgewood East Subdivision, Whipkey Drive, Tiffany Court/Drive, and Falling Creek Drive, Lee Magisterial District**

RESOLUTION

A RESOLUTION OF CORRECTION REGARDING VDOT SUBDIVISION STREET  
ACCEPTANCE FOR THE EDGEWOOD EAST SUBDIVISION, WHIPKEY DRIVE,  
TIFFANY COURT/DRIVE, AND FALLING CREEK DRIVE,  
LEE MAGISTERIAL DISTRICT

WHEREAS, Whipkey Drive, Tiffany Court/Drive, and Falling Creek Drive as depicted on the site location maps, and described on the Additions Form SR-5(A), is shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, on December 9, 2004, the Fauquier County Board of Supervisors adopted a resolution for each of the referenced streets; and

WHEREAS, the street lengths referenced in the Form SR-5(A) were incorrect; and

WHEREAS, the revised information has been verified through the Virginia Department of Transportation (VDOT) to be correct, and has been incorporated into a combined resolution; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That this revised resolution to correct the street lengths supplement the December 9, 2004 resolution for the referenced streets in the Edgewood East Subdivision; and, be it

RESOLVED FURTHER, That this resolution shall become effective immediately and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**A Resolution Authorizing the County Administrator to Schedule a Public Hearing to Receive Citizens' Comments on the Proposed Use of Edward Byrne Memorial Justice Assistance Grant (JAG) Funds**

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO RECEIVE CITIZENS' COMMENTS ON THE PROPOSED USE OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS

WHEREAS, the Federal Government provides limited funding for law enforcement through the JAG Program; and

WHEREAS, a program requirement is to conduct a public hearing concerning the proposed use of these funds; and

WHEREAS, it is anticipated that Fauquier County will receive \$14,161 in Edward Byrne Memorial Justice Assistance Grant funds in this fiscal year; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of May 2005, That the County Administrator be, and is hereby, authorized to schedule a public hearing to receive citizens' comments on the proposed use of these funds.

**A Resolution Directing the County Administrator to Advertise a Public Hearing to Amend Section 19-18 of the Fauquier County Code to Authorize the Issuance of an Administrative Permit to Permit Individual Wells in Service Districts Where Capacity is Not Available but is Anticipated**

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND SECTION 19-18 OF THE FAUQUIER COUNTY CODE TO AUTHORIZE THE ISSUANCE OF AN ADMINISTRATIVE PERMIT TO PERMIT INDIVIDUAL WELLS IN SERVICE DISTRICTS WHERE CAPACITY IS NOT AVAILABLE BUT IS ANTICIPATED

WHEREAS, Section 19-18 of the County Code currently authorizes permits for individual wells within 300 feet of a waterline where the service provider lacks capacity only by special exception; and

WHEREAS, where capacity is reasonably anticipated within two (2) years, and the owner is willing to abandon the well when capacity becomes available, it may be reasonable to consider such an application by administrative permit; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That the County Administrator be, and is hereby, directed to advertise the attached amendment to Section 19-18 of the County Code for public hearing on June 9, 2005.

**Sec. 19-18. Installation, replacement or repair of individual water systems within three hundred feet of public water supply system.**

The owner of any building or structure for which water is required, and for which building permits for such building or structure are issued after April 20, 1982, shall be required to connect such building or structure to approved public water supply system, provided that said building or structure is within three hundred (300) feet of approved public water supply system and that the public water system provider has the necessary capacity to permit the connection. In addition, if any water system is found by the county health department to be polluted or not potable, it shall be unlawful for any person to replace or repair any water system or any part thereof in any manner to improve its operating conditions, if the public water supply system is within three hundred (300) feet of any building or structure which such water system served; provided, that it not be unlawful to make emergency repairs so as to permit use of the facility pending connection to the public water supply system, provided such connection is made in the most expedient manner and provided the health department is notified of such connection or temporary repairs. It is further provided that the owner of any building or structure for which water is required and which is connected to an approved public water supply system shall not disconnect the building or structure from such public water supply system. If the public water system provider does not have the necessary capacity to permit the connection to the public water system, the landowner may install an individual well upon the grant of a special exception pursuant to section 3-331 of the county zoning ordinance. If, however, an owner of an existing single-family residential lot can demonstrate that it is reasonably foreseeable that the public water system will have adequate capacity to serve the lot within two years, the owner may obtain an administrative permit to install an individual well upon recordation of an agreement to cease using the individual well for potable water and connect to the public water supply immediately when capacity becomes available. The agreement shall include such other conditions as may be necessary to protect the public water supply.

(Ord. No. 03-7, 10-20-03)

**AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY TO ADD ARTICLE XIX ENTITLED TRANSIENT OCCUPANCY TAX**

Mr. Downey moved to adopt the following Ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was 3 to 2 as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison</i>
<i>Nays:</i>	<i>Mr. Harry F. Atherton; Mr. Chester W. Stribling</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF  
FAUQUIER COUNTY TO ADD ARTICLE XIX ENTITLED  
TRANSIENT OCCUPANCY TAX



WHEREAS, Section 58.1-3819 of the Code of Virginia authorizes counties to impose a transient occupancy tax on hotels, motels, and other facilities renting guest rooms for continuous occupancy of, or fewer than, thirty (30) consecutive days; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the health, safety, and welfare of the citizens of Fauquier County to adopt this Ordinance; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 12th day of May 2005, That Chapter 8 of the Code of Fauquier County be, and is hereby, amended to add Article XIX, entitled "Transient Occupancy Tax", with imposition of said tax commencing July 1, 2005, which section shall read as follows:

## **ARTICLE XIX TRANSIENT OCCUPANCY TAX**

### **Section 8- \_\_\_\_\_. Definitions.**

The following words and phrases, when used in this Article shall, for the purposes of this Article, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

*Commissioner* means Commissioner of the Revenue of Fauquier County, or any duly authorized deputies or agents of the Commissioner.

*County* means the County of Fauquier, Virginia.

*Hotel* means any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, boarding house, motel, rooming house, transient campgrounds, or other lodging or guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days.

*Person* means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.

*Room Rental* means the total charge made by any such hotel for lodging and/or space furnished any such transient. If the charge made by such hotel to such transient includes any charge for services or accommodations in addition to that of lodging and/or the use of space, then such portion of the total charge as represents only room and/or space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.

*Transient* means any person who, for any period of not more than thirty (30) consecutive days either at his own expense or at the expense of another, obtains lodging or the use of any space in any hotel as hereinabove defined, for which lodging or use of space a charge is made.

*Treasurer* means the Treasurer of Fauquier County or any duly authorized deputies or agents of the Treasurer.

**Section 8 - \_\_\_\_\_. Levy; amount of tax.**

In addition to all other taxes of every kind now and hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to two percent (2%) of the total amount paid for room rental by or for any such transient to any hotel.

**Section 8 - \_\_\_\_\_. Exemptions.**

No tax shall be payable hereunder on room rental paid to any hospital, medical clinic, convalescent home or home for the aged.

**Section 8 - \_\_\_\_\_ Advertising payment or absorption tax prohibited.**

No person shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of a tax imposed under this article will be paid or absorbed by that person or by anyone else, or that the person or anyone else will relieve any transient of the payment of all or any part of the tax.

**Section 8 - \_\_\_\_\_. Collection of tax.**

Every person receiving any payment for room rental with respect to which a tax is levied under this Article shall collect the amount of tax hereby imposed from the transient on whom the same is levied or from the person paying for such room rental, at the time payment for such room rental is made. The taxes required to be collected under this section shall be deemed to be held in trust by the person required to collect such taxes until remitted as required in this article

**Section 8 - \_\_\_\_\_. Report and remittance of tax.**

(a) *Reports:* The person collecting any such tax shall make out a report on such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of room rental charges collected, and the tax required to be collected, and shall sign and deliver the same to the Commissioner with a remittance of such tax.

(b) *Reporting period:* The report and the payment of the tax required to be collected shall be made on a monthly basis unless it appears to the Commissioner of the Revenue that the estimated amount of tax required to be collected will not exceed an average of one hundred dollars (\$100.00) per month, in which event, the Commissioner of the Revenue may authorize the filing of the report and the payment of the taxes required by this section on a quarterly calendar basis. If, however, at any time thereafter, it appears to the Commissioner of the Revenue based upon the reports filed, or such other information as he deems pertinent, that the tax required to be collected by the person exceeds an average of one hundred dollars (\$100.00) per month, he shall require such person to file such reports and pay the taxes required to be collected on a monthly basis.

(c) *Due date:* The reports required by this section shall be delivered to the Commissioner of the Revenue on or before the twentieth day of the calendar month following the period being reported. Each report shall be accompanied by a remittance made payable to the Treasurer,

Fauquier County of the amount of tax for the report period and all remittances received hereunder by the Commissioner shall be promptly delivered to the Treasurer.

**Section 8 - \_\_\_\_\_. Interest and penalties upon failure or refusal to remit tax.**

If any person shall fail or refuse to remit the tax required to be collected and paid under this Article within the time and in the amount specified in this Article, there shall be added to such tax by the Treasurer a penalty of ten percent (10%), and if the tax shall remain delinquent and unpaid for a period of one month from the date the same is due and payable, interest shall be charged on the unpaid balance at the interest rate of ten percent (10%). Such interest shall accrue from the date on which the tax was due and payable.

**Section 8 - \_\_\_\_\_. When the Commissioner to determine the amount of tax due.**

If any person required to collect and remit the tax imposed by this Article fails to file a statement and a remittance, or if the Commissioner has reasonable cause to believe that an erroneous statement has been filed, the Commissioner may proceed to determine the amount due to the County. The Commissioner shall provide notice and opportunity to be heard to any person who may become liable for the amount owing prior to any determination by the Commissioner.

**Section 8 - \_\_\_\_\_. Tax immediately due and payable upon cessation of business.**

Whenever any person required to collect and pay to the County a tax under Section 8-\_\_\_\_\_ shall quit or otherwise dispose of his business, any tax payable under the provisions of this Article to the County shall become immediately due and payable, and such person shall immediately make a report and pay the tax due.

**Section 8 - \_\_\_\_\_. Preservation of records.**

It shall be the duty of every person liable for collection and remittance of the taxes imposed by this article to preserve for a period of two (2) years records showing the total daily purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The Commissioner of the Revenue shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this article and to make transcripts of all or any parts thereof.

**Section 8 - \_\_\_\_\_. Powers and duties of the Commissioner and Treasurer generally; rules and regulations.**

The Commissioner shall ascertain the name of every person operating a hotel in the County liable for the collection of the tax levied by this Article. The Treasurer shall have the power to adopt rules and regulations not inconsistent with the provisions of this Article for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations shall be on file and available for public examination in the Treasurer's office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this Section shall be a violation of this Article.

**Section 8 - \_\_\_\_\_. Penalty for violation of Article.**

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be fined not more than three hundred dollars (\$300.00), or may be imprisoned in the County jail for a period not exceeding thirty (30) days, or may be punished by both such fine and imprisonment. Each such violation or failure shall constitute a separate offense. Such conviction shall not relieve any such person from the payment, collection or remittance of such tax penalties and interests, as provided in this Section.

**A RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENTS PROGRAM (CIP) FY 2006 – FY 2015**

Mr. Robison moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**RESOLUTION**

**A RESOLUTION TO ADOPT THE FY 2006-2015 CAPITAL IMPROVEMENTS PROGRAM (CIP) FY 2006 – FY 2015**

WHEREAS, the Board of Supervisors has established an objective to adopt a Capital Improvements Program (CIP) each year; and

WHEREAS, the Capital Review Committee and Planning Commission had several developmental meetings to formulate the recommended CIP; and

WHEREAS, both the Planning Commission and the Board of Supervisors have held respective public hearings on the recommended CIP; and

WHEREAS, the Board of Supervisors has held a work session on the Capital Improvements Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That the FY 2006-2015 Capital Improvements Plan be, and is hereby, adopted.

**A RESOLUTION TO FUND THE PURCHASE OF SCHOOL BUSES**

Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

#### RESOLUTION

##### A RESOLUTION TO FUND THE PURCHASE OF SCHOOL BUSES

WHEREAS, the School Board has requested \$495,990 to purchase nine school buses to replace older models in the school bus fleet; and

WHEREAS, the Board of Supervisors recognizes the importance of maintaining an updated bus fleet to ensure student safety; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That \$495,990 be, and is hereby, approved for appropriation from the General Fund Balance to the Capital Improvement Program for the School Division's purchase of nine school buses.

##### **A RESOLUTION TO APPROVE FUNDING FOR A PURCHASE OF DEVELOPMENT RIGHTS EASEMENT ON THE SUSANNAH GROVE (HOWARD L. GROVE ESTATE) FARM**

Mr. Graham moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

#### RESOLUTION

##### A RESOLUTION TO APPROVE FUNDING FOR A PURCHASE OF DEVELOPMENT RIGHTS EASEMENT ON THE SUSANNAH GROVE (HOWARD L. GROVE ESTATE) FARM

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, ameliorating the impact of development on the County, and authorizing payment of \$20,000 per development right; and

WHEREAS, on November 10, 2004, the Fauquier County Board of Supervisors authorized the annual application cycle for properties to be considered under the PDR Program; and

WHEREAS, on April 12, 2005, the PDR Committee visited and ranked the farm in accordance with the adopted PDR application scoring system; and

WHEREAS, the PDR Committee recommends that the Board of Supervisors approve funding for a Purchase of Development Rights Easement on the Susannah Grove (Howard L. Grove Estate) farm at \$20,000 per development right, with 25 development rights being assigned to the 422-acre property, for a total of \$500,000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of May 2005, That the Board of Supervisors does hereby approve funding for a Purchase of Development Rights Easement on the Susannah Grove (Howard L. Grove Estate) farm.

### **APPOINTMENTS**

By unanimous consent, the following appointment was approved:

- Transportation Committee – Scott District: Erich Meding, to fill an unexpired term ending December 31, 2007.

### **SUPERVISORS' TIME**

- Mr. Robison expressed his appreciation for the many wishes he had received for a speedy recuperation from his recent surgery. Mr. Robison thanked the Town of Warrenton for sponsoring a recent presentation by Ed McMahon on "Preserving Community Character."
- Mr. Graham welcomed Mr. Robison back from his recent surgery.

### **ANNOUNCEMENTS**

- Mr. McCulla announced that public hearing items #23 and #24, relating to applications for Comprehensive Plan Amendment, Rezoning, and Special Exceptions for Arrington Knolls, have been postponed, at the request of the Applicant, for up to sixty days.
- Mr. McCulla reviewed the Board of Supervisors' protocols and guidelines for citizen participation during public meetings.

### **SPECIAL EXCEPTION #SPEX05-CR-016 – YURI A. BART AND EDWIN LEE ROBERTSON, OWNERS AND APPLICANTS – RUNYON ESTATE, CEDAR RUN DISTRICT**

A public hearing was held to consider an application to obtain Special Exception approval under Category 20, which would allow for the construction of two experimental drainfields. The two parcels are located on Shenandoah Path (Route 607) at its intersection with Elk Run Road (Route 806), Cedar Run District. (PIN #7931-25-3530-000 and 7931-25-0088-000). Rick Carr, Director of Community Development, summarized the application.

Vera Eldredge, Cedar Run District, spoke in opposition to the application. Yuri A. Bart and Ed Robertson, Applicants, requested favorable consideration of the special exception. Jolly deGive, Marshall District, spoke on behalf of the Piedmont Environmental Council in opposition to the application. Kitty Smith, Marshall District, spoke on behalf of Citizens for Fauquier County in opposition to the application. No one else spoke. The public hearing was closed. Mr. Graham moved to approve SPEX05-CR-016, a Category 20 Special Exception to allow for the construction of experimental drainfields for two single-family dwellings, amended to include additional conditions requiring (1) an annual review of the system, (2) a ten year residency requirement, (3) a retrofit of the system that would release effluent fluids gradually rather than all at once, and (4) that the Special Exception must be added to the Applicants' Special Use Permit. Mr. Atherton seconded and, following discussion, the motion failed 1 to 4 as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham</i>
<i>Nays:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

#### **PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES**

A public hearing was continued from April 14, 2005, to consider a Zoning Ordinance Text Amendment to Section 3-314 to allow automobile repair and recreational vehicle storage in I-2 Districts. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. Bob Counts, representing Carson & Harris, requested favorable consideration of the text amendment. No one else spoke. The public hearing was closed. Following discussion, Mr. Atherton moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

#### **ORDINANCE**

##### **ZONING ORDINANCE TEXT AMENDMENT TO SECTION 3-314 TO ALLOW AUTOMOBILE REPAIR AND RECREATIONAL VEHICLE STORAGE IN I-2 DISTRICTS**

WHEREAS, on February 17, 2005, the Planning Commission held a public hearing on the issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on April 14, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in keeping with the spirit of the Zoning Ordinance, consistent with public convenience and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That Section 3-314 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

<b>DRAFT ORDINANCE:</b>	<b>SP</b>	<b>RC</b>	<b>RA</b>	<b>RR-2</b>	<b>V</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>TH</b>	<b>GA</b>	<b>MDP</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>CV</b>	<b>I-1</b>	<b>I-2</b>
<b>3-314 MOTOR VEHICLE RELATED</b>																		
<b>USES (CATEGORY 14)</b>																		
1. Car wash	X												SP	P	SP	SP		
2. Vehicle part sales, installation (not including repair garage)	X												SP	P		SP	P	
<b>3. Auto repair garage</b>	X												SP	P	SP	SP	P	<b>SE</b>
4. Auto service station	X												SP	P	SP	SP	SP	
5. Auto body/painting establishments	X													P		SP	P	P
6. Motor vehicle impoundment (max. of 10 vehicles)	X												P				P	P
7. Junkyard/automobile graveyard	X																	SE
8. Automobile sales, rental and service (including motorcycles and recreational vehicles)	X												SP	P	SP	SP	SP	
9. Truck and heavy equipment sales, rental and service	X													P			P	SP
10. Farm equipment sales, rental and service	X		SP	SP									SP	P		SP	P	SP
11. Mobile home sales, rental and service	X											SP		SP				
12. Motor vehicle wash	X																SP	SP
<b>13. Recreational Vehicle Storage Area</b>	X												SP	P			P	<b>SE</b>

**A PUBLIC HEARING TO CONSIDER THE CREATION OF THE NORTHWESTERN REGIONAL JAIL AUTHORITY, THE APPROVAL OF THE SECOND AMENDED AND RESTATED REGIONAL JAIL AGREEMENT, THE ISSUANCE OF THE AUTHORITY'S REVENUE OBLIGATIONS, THE CONVEYANCE BY GRANT, LEASE OR SALE OF THE COUNTY'S FEE SIMPLE INTEREST IN THE PROPERTY (AS REQUIRED BY SECTION 15.2-1800 OF THE CODE OF VIRGINIA OF 1950) AND OTHER MATTERS IN CONNECTION THEREWITH**



A public hearing was held to consider the creation of the Northwestern Regional Authority, the approval of the Second Amended and Restated Regional Jail Agreement, the issuance of the Authority's revenue obligations, the conveyance by grant, lease or sale of the County's fee simple interest in the property, and other matters in connection therewith. The Regional Jail expects to commence construction on a new facility in May 2005. In preparation for the financing of the new facility, consideration is being given to the formation of a Jail Authority that could issue revenue bonds to finance the costs of the new facility. The Jail is currently operated by the Clarke-Fauquier-Frederick-Winchester Regional Jail Board and jointly owned by each of its participating jurisdictions, including Fauquier County. Each of the participating jurisdictions of the Jail Board has tentatively agreed to the creation of the Northwestern Regional Jail Authority to own and operate the Jail, and to convey their respective fee simple interests in the Jail to the Authority. Accordingly, the County proposes the conveyance of the property to the Authority. The Jail is located at 141 Fort Collier Road in Frederick County, Virginia. Catherine M. Heritage, Assistant County Administrator, summarized the terms of the Agreement. No one else spoke. The public hearing was closed. Following discussion, Mr. Stribling moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION REGARDING THE CREATION OF THE NORTHWESTERN REGIONAL JAIL AUTHORITY AND APPROVING THE SECOND AMENDED AND RESTATED REGIONAL JAIL AGREEMENT, THE ISSUANCE OF THE AUTHORITY'S REVENUE OBLIGATIONS AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Counties of Clarke, Fauquier and Frederick, Virginia, and the City of Winchester, Virginia (collectively, the "Participating Jurisdictions"), have considered the use of a regional jail authority under Chapter 3, Article 3.1 of Title 53.1 (the "Act") of the Code of Virginia, 1950, as amended (the "Code"), for purposes of owning and operating the existing Clarke-Fauquier-Frederick-Winchester Regional Jail/Adult Detention Center (the "Regional Jail"); and

WHEREAS, currently, the Participating Jurisdictions jointly own and operate the Regional Jail through a regional jail board (the "Regional Jail Board") under Chapter 3, Article 5 of Title 53.1 of the Code, and pursuant to an Amended and Restated Regional Jail Agreement dated as of August 10, 2004 (the "Amended and Restated Agreement") by and between the Participating Jurisdictions; and

WHEREAS, the Participating Jurisdictions are planning to make improvements to the existing Regional Jail facilities, including the construction of a Community Corrections Center and other capital expansions (the “Project”); and

WHEREAS, pursuant to the Act, the Participating Jurisdictions desire to create a regional jail authority (the “Authority”) to own and operate the Regional Jail, and to authorize the Authority to issue its revenue bonds and notes in one or more series (collectively, the “Obligations”) to finance the costs of the Project and other related costs and expenses, including any capitalized interest, working capital, debt service reserve funds and issuance costs; and

WHEREAS, the Participating Jurisdictions further desire to amend and restate the Amended and Restated Agreement by entering into a Second Amended and Restated Regional Jail Agreement (the “Second Amended and Restated Agreement”) with the Authority to assume all powers, rights, duties and obligations of the Regional Jail Board with respect to the Regional Jail, to own and operate the Regional Jail and to provide revenues to secure the payment of the Obligations; and

WHEREAS, a portion of the Obligations will additionally be secured by reimbursements for eligible construction costs from the Commonwealth of Virginia; and

WHEREAS, there has been presented to this meeting a draft of the Second Amended and Restated Agreement, a copy of which shall be filed with the records of each of the Participating Jurisdictions and the Authority; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That:

1. Together with the Counties of Clarke and Frederick, Virginia, and the City of Winchester, Virginia, the County intends to create the Authority pursuant to the Act to own, acquire, construct, equip, maintain and operate the Regional Jail and any improvements or expansions thereto and to issue its revenue obligations, including the Obligations, and use the proceeds thereof to finance improvements to the Regional Jail, including the Project.
2. The name of the Authority shall be the “Northwestern Regional Jail Authority” with its principal office located in Frederick County, Virginia at 141 Fort Collier Road, Winchester, Virginia 22603.
3. Each of the Participating Jurisdictions shall be the initial participating political subdivisions in the Authority, and shall have the following representation on the Authority: the Sheriff of each Participating Jurisdiction, two (2) members appointed by each of the governing bodies of the County of Clarke and the County and three (3) members appointed by each of the governing bodies of the County of Frederick and the City of Winchester. There shall be a total of fourteen (14) members. The current members of the Regional Jail Board shall be the initial members of the Authority, as follows:

NAMESADDRESSES

Frederick County	Winchester, VA 22601
Barbara Van Osten Frederick County	103 Coopers Lane Winchester, VA 22602
Frederick County	Stephens City, VA 22655
Frederick County	Winchester, VA 22601
City of Winchester	15 N. Cameron St. Winchester, VA 22601
City of Winchester	Winchester, VA 22601
Eric M. Varnau City of Winchester	231 E. Piccadilly Street Winchester, VA 22601
City of Winchester	Winchester, VA 22601
Clarke County	Berryville, VA 22611
Clarke County	Bluemont, VA 22012
Clarke County	Berryville, VA 22611
Fauquier County	40 Culpeper Street Warrenton, VA 20186
Fauquier County	Warrenton, VA 20186
Charlie Ray Fox, Jr., Sheriff Fauquier County	78 West Lee Street Warrenton, VA 20186

The terms of office of the members, other than the aforesaid Sheriffs, shall be for four (4) years with the initial terms of the initial members of the Authority determined and terminating for purposes of the Authority in the same manner as they would have for the Regional Jail Board. Each individual member shall have one (1) vote on the Authority.

The aforesaid Sheriffs and their duly elected successors shall serve on the Authority during their respective terms of office.

4. The Authority shall have all powers and rights under the Act and applicable law, and pursuant to the Act, each of the City of Winchester, Virginia, and the County of Frederick, Virginia will initially act as fiscal agents on behalf of the Authority in the respective capacity specified in the Second Amended and Restated Agreement.
5. The preliminary estimate of the capital costs of the Project is twenty-two million six hundred thousand dollars (\$22,600,000.00), and the Project may be financed as provided in the Act. To the extent there other capital costs, including financing proposal costs, the County finds that inclusion of such information in this Resolution is impracticable.
6. The County hereby consents to the issuance of the Obligations in the aggregate principal amount necessary to finance the costs of the Project and other related costs and expenses, including any capitalized interest, working capital, debt service reserve funds and issuance costs.
7. The Obligations will be secured by the Second Amended and Restated Agreement and, as to a portion of the Obligations, a pledge by the Authority of reimbursements from the Commonwealth of Virginia for eligible construction costs of the Project.
8. The Second Amended and Restated Agreement, in the form attached hereto, is hereby approved. The Chairman and the Vice Chairman of the Board, either of whom may act, are each hereby authorized and directed to execute and deliver the Second Amended and Restated Agreement with such changes, completions, omissions and insertions as the Chairman or Vice Chairman may approve, whose approval shall be evidenced conclusively by the execution and delivery thereof. The Chairman and the Vice Chairman, either of whom may act, are each hereby authorized and directed to execute and deliver such other documents as are necessary to finance the costs of the Project. Any other designated County official is hereby similarly authorized and directed to execute and deliver such other documents.
9. The County authorizes the Authority to take all necessary steps and actions toward its organization, including, but not limited to, conducting any organizational meeting.
10. All other acts of the officers of the County, heretofore or hereafter taken, that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Obligations by the Authority, the execution and delivery of the Second Amended and Restated Agreement by the Participating Jurisdictions and the Authority and the undertaking of the Project, are hereby approved, ratified and confirmed.

11. Nothing in this Resolution or in the Second Amended and Restated Agreement is or shall be deemed to be a lending of the credit of the County or other Participating Jurisdictions to the Authority or to any holder of any of the Obligations or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County or the other Participating Jurisdictions.
12. For purposes of Section 265(b)(3)(C)(iii) of the Internal Revenue Code of 1986, as amended, the County irrevocably agrees that the amount of the Authority's revenue obligations, including the Obligations (but only such revenue obligations the interest on which when issued is intended to be excludable from gross income for federal income tax purposes), shall be allocated to each Participating Jurisdiction for the calendar year in which the Authority's revenue obligations are issued in the same proportion that the repayment obligation of each Participating Jurisdiction is determined under the Second Amended and Restated Agreement with respect to such revenue obligations.
13. This Resolution shall take effect immediately.

**A PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS ON AMENDING SECTION 7-2 OF THE COUNTY CODE RELATING TO POLLING PLACE LOCATIONS**

A public hearing was held to receive citizens' comments on a proposed amendment to Section 7-2 of the Fauquier County Code relating to polling place locations. The Electoral Board has been officially notified by Mount Carmel Baptist Church that it no longer wishes to serve as the polling location for Lois Precinct. The Community Christian Church, located at 12698 Shipps Store Road in Bealeton, has been identified as a new polling place location. The new location is 1/4 mile outside the Lois Precinct boundary, but within the maximum allowable distance of one mile, as provided by § 24.2-310 of the Code of Virginia. Paul S. McCulla, County Administrator, summarized the amendment. No one else spoke. The public hearing was closed. Following discussion, Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO AMEND SECTION 7-2 OF THE COUNTY CODE RELATING TO POLLING PLACE LOCATIONS**

WHEREAS, on July 16, 2001, the Fauquier County Board of Supervisors adopted an Ordinance establishing Magisterial districts, precincts and polling places; and

WHEREAS, the Ordinance adopted on July 16, 2001, amended and readopted Section 7-2 of the County Code for Fauquier County, for the purpose of establishing a voting place for each precinct; and

WHEREAS, Mount Carmel Baptist Church is the current polling place for the Lois Precinct; and

WHEREAS, Mount Carmel Baptist Church has notified Fauquier County that is no longer wishes to serve as the polling place for Lois Precinct; and

WHEREAS, the Community Christian Church, located at 12698 Shipps Store Road in Bealeton, has been identified as a new polling place location for Lois Precinct; and

WHEREAS, representatives from the Community Christian Church have been contacted regarding the possibility of locating the polling place to their facility and a favorable response has been received; and

WHEREAS, the Community Christian Church is located ¼ mile outside of the Lois Precinct boundary; however, is within the maximum allowable distance of one mile, as provided by Section 24.2-310 of the Code of Virginia; and

WHEREAS, a signed agreement between the Community Christian Church and Fauquier County not only allows for use of church facilities for each election, but allows for reimbursement of improvement costs upon early termination of the contract; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That Section 7-2 of the County Code relating to polling place locations be, and is hereby, amended to reflect the deletion of Mount Carmel Baptist Church as the Lois Precinct polling location; and, be it

RESOLVED FURTHER, That Section 7-2 of the County Code relating to polling places be, and is hereby, amended to reflect the addition of the Community Christian Church as the Lois Precinct polling place.

### **LANDFILL TIPPING FEES**

A public hearing was held to consider increasing the fee for construction and demolition debris to \$45.00 a ton at the Fauquier County Landfill, to be effective June 1, 2005. Anthony I. Hooper, Deputy County Administrator, summarized the proposed fee structure. No one else spoke. The public hearing was closed. Following discussion, Mr. Graham moved to table a decision on the matter until the next regular meeting on June 9, 2005. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

*Nays:* *None*  
*Absent During Vote:* *None*  
*Abstention:* *None*

### **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES**

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to Section 2-308.4 in order to allow no residential density allowance calculated on that area of a lot in residential zoning districts, other than RA and RC, comprised of floodplain or quarries. At present, fifty percent credit is given. Density calculations in the rural districts (RA and RC) would not change and would continue to have full density credit for land in floodplain. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. Tom Carberry, Lee District, spoke in opposition to the text amendment. Robert Rogers, Scott District, spoke in opposition to the text amendment. Jolly deGive, Marshall District, spoke on behalf of the Piedmont Environment Council in favor of the text amendment. Sue Carberry, Lee District, spoke in opposition to the text amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to postpone a decision on the matter until the next regular meeting on June 9, 2005. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

*Ayes:* *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays:* *None*  
*Absent During Vote:* *None*  
*Abstention:* *None*

### **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES**

A public hearing was held to consider a proposed Zoning Ordinance Text Amendment to Section 5-001 to establish that after Special Exceptions or Special Use Permits are issued; all subsequent changes in use must be approved by amendment of the Special Exception of Special Use Permit. Todd Benson, Assistant Zoning Administrator, summarized the proposed text amendment. Corbin Cantrell, Cedar Run District, spoke in opposition to the amendment. No one else spoke. The public hearing was closed. Following discussion, Mr. Graham moved to postpone a decision on the matter until the next regular meeting on June 9, 2005. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes:* *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays:* *None*  
*Absent During Vote:* *None*  
*Abstention:* *None*

**COMPREHENSIVE PLAN AMENDMENT #CPAM05-CT-005 AND SPECIAL EXCEPTIONS #SPEX05-CT-017, #SPEX05-CT-018 AND #SPEX05-CT-019 – E.C. INVESTORS, LLC, OWNER AND FAUQUIER COUNTY SCHOOL BOARD, APPLICANT – HS-3, FAUQUIER COUNTY PUBLIC SCHOOLS**

A public hearing was held to consider an application to obtain a Comprehensive Plan Amendment to include the proposed school site in the New Baltimore Service District to allow for extension of central utilities to serve the proposed school. The applicant also wishes to obtain Special Exception approval under Category 5, which would allow for a school in the RA District; Category 20, which would allow for an above ground sewer pumping facility; and Category 26, which would allow for reduction of non-common open space. The property is located on the southwest side of Dumfries Road (Route 605), Center District. (PIN #7904-66-5674). Rick Carr, Director of Community Development, presented an overview of the applications. Dr. David Martin, Superintendent of Schools, spoke on behalf of the Applicant in favor of the applications.

John Griffin, Cedar Run District; Linda Lawler, Marshall District; Sue Cook, Scott District; Maureen Riordan, Scott District; Jeff Lau, Scott District; Ron Kamp, Scott District; Nancy Griffin-Bonnaire, Center District; Sheryl Wolfe, Lee District; Christine Douthett, Center District; Nancy Vercio, Scott District; Linda Husdale, Scott District; Robert Cameron, Scott District; Colin Cantrell, Scott District; Leisa Powell, Scott District; Celia Faulk, Marshall District; Thomas Block, Financial Planner and Chamber of Commerce volunteer (non-resident); Vincent Delegato, Cedar Run District; Carl Pierce, Scott District; Michelle Vance, Scott District; and Steve Lieb, Center District; spoke in favor of the applications. Kenn Phillips, Center District, spoke in favor of maintaining present school facilities. Larry Evans, Scott District; Janet Davis, Cedar Run District; Brett Lawler, Marshall District; Katherine Evans, Scott District; Barbara Consentino, Cedar Run District; Nancy Premeu, Scott District; Jolly deGive, Marshall District; Tom Cook, Cedar Run District; Hilary Gerhardt, Cedar Run District; Chuck Medvitz, Scott District; Thomas Burke, Scott District; Peggy Baer, Marshall District; Barry Hamalk, Marshall District; Madge Eicher, Marshall District; Danielle Consentino, Cedar Run District; Jack Vance, Scott District; Dianna Baker, Cedar Run District; Gerald Harris, Scott District; Sharon Martin, Cedar Run District; Robert Dunleavy, Scott District; Suzanne Scheer, Cedar Run District; Ed Gorski, Land Use Officer for Piedmont Environmental Council (non-resident); Larry Kavolik, Center District; Crystal Behr, Marshall District; Peggy Ein, Scott District; Gar Shuelin, Scott District; and Ron Linton, Center District; spoke in opposition to the applications. No one else spoke. The public hearing was closed.

Mr. Robison made a motion for denial of the Comprehensive Plan Amendment and three Special Exceptions. Mr. Atherton seconded. Following discussion, Mr. Downey moved to postpone a decision until the next regular meeting on June 9, 2005. Mr. Atherton seconded, and the vote for the motion was 4 to 1 as follows:

**Ayes:**

***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling***



*Nays:* **Mr. Richard W. Robison**  
*Absent During Vote:* **None**  
*Abstention:* **None**

**COMPREHENSIVE PLAN AMENDMENT #CPAM05-MA-003 AND REZONING #REZN05-MA-002 - WALTER N. ARRINGTON HEIRS AND ARABELLE L. ARRINGTON, OWNERS, AND CENTEX HOMES, APPLICANT – ARRINGTON KNOLLS**

Postponed at the request of the Applicant.

**SPECIAL EXCEPTIONS #SPEX05-MA-002, #SPEX05-MA-009, #SPEX05-MA-010, #SPEX05-MA-011 and #SPEX05-MA-012 - WALTER N. ARRINGTON HEIRS AND ARABELLE L. ARRINGTON, OWNERS, AND CENTEX HOMES, APPLICANT – ARRINGTON KNOLLS**

Postponed at the request of the Applicant.

**SPECIAL EXCEPTION #SPEX05-SC-022 – LARRY L. AND CYNTHIA WEEKS, OWNERS AND APPLICANTS**

A public hearing was held to consider an application to obtain Special Exception approval under Category 29, which would allow for a waiver of the public street requirement in a residential zone. The property is located on the east side of Route 676 at 6629 Riley Road, Scott District. (PIN #7915-19-3828-000 and 7915-19-5847-000). Rick Carr, Director of Community Development, summarized the application. No one else spoke. The public hearing was closed. Following discussion, Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes:* **Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling**  
*Nays:* **None**  
*Absent During Vote:* **None**  
*Abstention:* **None**

**RESOLUTION**

**A RESOLUTION TO APPROVE SPEX05-CR-022: A CATEGORY 29 SPECIAL EXCEPTION TO WAIVE THE PUBIC STREET REQUIREMENT IN A RESIDENTIAL ZONE, WITH ASSOCIATED WAIVERS OF ARTICLE 7-302.1.C OF THE ZONING ORDINANCE, AND SECTIONS 5-7, 9-5, AND 10-5 OF THE SUBDIVISION ORDINANCE**

WHEREAS, Larry and Cynthia Weeks, owners/applicants, are seeking Special Exception approval to waive the public street requirement in a residential zone; and

WHEREAS, the applicants are also seeking to waive Article 7-302.1.C of the Zoning Ordinance (Private Street Limitations); and

WHEREAS, they are also seeking waivers of Sections 5-7 (Street Width), 9-5 (Preliminary Plat Requirements), and 10-5 (Construction Plan Drawings); and

WHEREAS, on April 26, 2005, the Fauquier County Planning Commission held a public hearing and recommended approval of the proposed Special Exception and associated waivers; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing on this application; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the general standards of Article 5-2900 and; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12<sup>th</sup> day of May 2005, That SPEX05-SC-022 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for, and runs with, the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Sight distance easements, if needed, shall be recorded prior to Final Plat approval.
4. If a culvert is required for the entrance, it should be a minimum of 15 inches in diameter and be able to pass a 10-year storm event without overtopping.
5. The applicant shall meet all VDOT sight distance/line of sight requirements prior to Final Plat approval or when required by VDOT.

; and, be it

RESOLVED FURTHER, That the waivers of Section 9-5 (Preliminary Plat) and Section 10-5 (Construction Drawings) be, and are hereby, granted to allow the Final Plat to serve as both the Preliminary Plat and Construction Drawings.

With no further business, the meeting was adjourned at 11:14 P.M.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on May 12, 2005.*

---

*Paul S. McCulla*  
*Clerk to the Board of Supervisors*